Patent Docket P1381R1D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Chen et al. Serial No.: Not yet assigned Filed: Herewith For: *IL-17 Homologous Polypeptides and Therapeutic Uses Thereof*	Group Art Unit: Not yet assigned Examiner: Not yet assigned **EXPRESS MAIL NO.: EL 599 584 754 US** **FILED ON: May 10, 2001.**

PRELIMINARY AMENDMENT

BOX: PATENT APPLICATION
Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Prior to the examination of this application on its merits, please amend the application as follows:

In the Claims:

Please cancel Claims 1- 42, without prejudice or disclaimer.

Please add the following claims:

--43. (New) An isolated polypeptide having at least 80% amino acid sequence identity to a polypeptide

selected from the group consisting of:

(a) a polypeptide consisting of amino acid residues 1 to 180 of SEQ ID NO:1,

(b) a polypeptide consisting of amino acid residues 21 to 180 of SEQ ID NO:1,

(c) a polypeptide consisting of amino acid residues 1 to 197 of SEQ ID NO:3, and

(d) a polypeptide consisting of amino acid residues 19 to 197 of SEQ ID NO:3.

44. (New) The isolated polypeptide of Claim 43 which comprises a polypeptide consisting of amino

acid residues 1 to 180 of SEQ ID NO:1.

45. (New) The isolated polypeptide of Claim 43 which comprises a polypeptide consisting of amino
acid residues 21 to 180 of SEQ ID NO:1.

46. (New) The isolated polypeptide of Claim 43 which comprises a polypeptide consisting of amino
acid residues 1 to 197 of SEQ ID NO:3.

47. (New) The isolated polypeptide of Claim 43 which comprises a polypeptide consisting of amino
acid residues 19 to 197 of SEQ ID NO:3.

48. (New) An isolated polypeptide having at least 80% amino acid sequence identity to a polypeptide
selected from the group consisting of:
(a) a polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 209866,
(b) a polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 209866 lacking its associated signal peptide encoding region,
(c) a polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203552, and
(d) a polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203552 lacking its associated signal peptide encoding region.

49. (New) The isolated polypeptide of Claim 48 which comprises a polypeptide encoded by the full-
length coding sequence of the cDNA deposited under ATCC accession number 209866.

50. (New) The isolated polypeptide of Claim 48 which comprises a polypeptide encoded by the

full-
length coding sequence of the cDNA deposited under ATCC accession number 209866 lacking its associated signal peptide encoding region.

51. (New) The isolated polypeptide of Claim 48 which comprises a polypeptide encoded by the full-
length coding sequence of the cDNA deposited under ATCC accession number 203522.

52. (New) The isolated polypeptide of Claim 48 which comprises a polypeptide encoded by the full-
length coding sequence of the cDNA deposited under ATCC accession number 203522 lacking its associated signal peptide encoding region.

53. (New) A composition of matter comprising a polypeptide selected from the group consisting of:

(a) a PRO1031 polypeptide comprising amino acid residues 1 to 180 of SEQ ID NO:1,

(b) a PRO1031 polypeptide comprising amino acid residues 21 to 180 of SEQ ID NO:1,

(c) a PRO1122 polypeptide comprising amino acid residues 1 to 197 of SEQ ID NO:3, and

(d) a PRO1122 polypeptide comprising amino acid residues 19 to 197 of SEQ ID NO:3; in combination with a pharmaceutically acceptable carrier.

54. (New) The composition of matter of Claim 53 which comprises a polypeptide comprising amino
acid residues 1 to 180 of SEQ ID NO:1 in combination with a pharmaceutically acceptable carrier.

55. (New) The composition of matter of Claim 53 which comprises a polypeptide comprising amino
acid residues 21 to 180 of SEQ ID NO:1 in combination with a pharmaceutically acceptable carrier.

56. (New) The composition of matter of Claim 53 which comprises a polypeptide comprising amino

acid residues 1 to 197 of SEQ ID NO:3 in combination with a pharmaceutically acceptable carrier.

57. (New) The composition of matter of Claim 53 which comprises a polypeptide comprising amino

acid residues 19 to 197 of SEQ ID NO:3 in combination with a pharmaceutically acceptable carrier.

58. (New) An article of manufacture comprising:

a container; and

a composition of matter comprising a polypeptide, wherein said polypeptide comprises at least about 80% amino acid sequence identity to:

(a) a PRO1031 polypeptide comprising amino acid residues 1 to 180 of SEQ ID NO:1,

(b) a PRO1031 polypeptide comprising amino acid residues 21 to 180 of SEQ ID NO:1,

(c) a PRO1122 polypeptide comprising amino acid residues 1 to 197 of SEQ ID NO:3, and

(d) a PRO1122 polypeptide comprising amino acid residues 19 to 197 of SEQ ID NO:3; in combination with a pharmaceutically acceptable carrier.

59. (New) The article of manufacture of Claim 58, further comprising a label affixed to said container, or a package insert included in said container, referring to the use of said composition for the treatment of a degenerative cartilagenous disorder in a mammal.--

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Serial Number: not yet assigned

REMARKS

Applicants have herein amended the claims by cancelling Claims 1-42 and adding new Claims 43-59, thereby leaving Claims 43-59 pending for prosecution. Claims 43-59 correspond to an election of Group II of a restriction requirement made by the Examiner in the Office Action (Paper No. 10) mailed on October 3, 2000, which was made in the original non-provisional patent application (Serial No. 09/311,832, filed May 14, 1999). Group II contains original Claims 23-30, and portions of Claims 39 and 42, drawn to the IL-17 homologs and compositions thereto. Applicants respectfully request entry of the newly added Claims 43 to 59, wherein support for these new claims can be found in the originally filed claims as well as in the specification as follows: page 8, lines 32-38; page 9, lines 1 to 33; page 11, lines 3 to 11 and 27 to 36; page 12, lines 12 to 17; page 15, lines 9 to 38; page 16, lines 1 to 37; page 23, lines 32 to 34; page 24, lines 1 to 17; pages 72-73, EXAMPLE 1; pages 73-75, EXAMPLE 2; and pages 88-91, EXAMPLE 16.

Respectfully submitted,

GENENTECH, INC.

Elizabeth M. Barnes

Date: May 10, 2001

Elizabeth M. Barnes, Ph.D.
Reg. No. 35,059
Telephone: (650) 225-4563

Serial Number: not yet assigned

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claims 1-42 have been cancelled.
New Claims 43-59 have been added.